

Mr. Dan Fugate  
D & S Machine Products, Inc.  
6965 U.S. 50 West  
Aurora, Indiana 47001

Re: R 029-13021-00030  
First Reopening to Federally Enforceable  
State Operating Permit  
F 029-10696-00030

Dear Mr. Fugate:

D & S Machine Products, Inc. was issued a Federally Enforceable State Operating Permit (FESOP) on January 14, 2000. The Office of Air Quality (OAQ) has determined that it is necessary to reopen your FESOP permit. Notice of the permit reopening pursuant to 326 IAC 2-8-8(c) was provided on August 16, 2000.

As stated in the Notice, the language in 40 CFR Part 70.6(c)(5)(iii)(B)) was changed from "continuous or intermittent compliance" to "based on continuous or intermittent data" as part of the U.S. EPA's 1997 Compliance Assurance Monitoring rule making (Federal Register Volume 62, page 54900-54947, Wednesday, October 22, 1997). The U.S. District Court of Appeals, Washington D.C. ruled against EPA's language, saying that the Clean Air Act wording of continuous or intermittent compliance had to be used. (NRDC vs. EPA, #97-1727) Therefore, the following change is being made to your permit to be consistent with state and federal law.

Condition B.12(c)(3) is revised as follows:

B.12 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was ~~based on~~ continuous or intermittent data;
  - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
  - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, may require to determine the compliance status of the source.

D & S Machine Products, Inc.  
Aurora, Indiana

Page 2 of 2  
Reopening No. R 029-13021-

00030

Reviewer: Stacey Pfeffer

FESOP OP No. F 029-10696-00030

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this reopening and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Stacey Pfeffer, at (800) 451-6027, press 0 and ask for Stacey Pfeffer or extension 3-2628, or dial (317) 233-2628.

Sincerely,

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

Attachments

SP/gkf

cc: File Dearborn County  
Dearborn County Health Department  
Air Compliance Section Inspector - Joe Foyst  
Compliance Data Section - Karen Nowak  
Administrative and Development - Cynthia Bymaster  
Technical Support and Modeling - Michele Boner